

601 KAR 1:025. Transporting hazardous materials by air or highway.

RELATES TO: KRS 174.400-174.425, 49 C.F.R. 107, 130, 171-173, 175, 177, 178, 180

STATUTORY AUTHORITY: KRS 174.410(2), 49 C.F.R. Parts 130, 171-173, 175, 177, 178, 180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.410(2) provides that the Secretary of the Transportation Cabinet, in consultation with the Secretary of the Environmental and Public Protection Cabinet and the Secretary of the Cabinet, shall adopt by reference or in its entirety, the federal hazardous materials transportation regulation, 49 C.F.R. (1978), as amended, to effectively carry out the intent of KRS 174.400 through 174.425 relating to the transportation of hazardous materials by air or highway. This administrative regulation is the result of that directive.

Section 1. The following hazardous materials transportation regulations adopted and issued by the United States Department of Transportation shall govern the transportation of hazardous materials within Kentucky if the transportation of hazardous material is by air or highway:

- (1) 49 C.F.R. Part 107. Part 107 sets forth the requirements for a national registration of the transporters of hazardous materials;
- (2) 49 C.F.R. Part 130. Part 130 sets forth general information, regulations and definitions applicable to oil spill prevention and response plans;
- (3) 49 C.F.R. Part 171. Part 171 sets forth general information, regulations and definitions applicable to all hazardous materials transportation;
- (4) 49 C.F.R. Part 172. Part 172 lists and classifies those materials which the United States Department of Transportation has designated as hazardous materials for purposes of transportation and prescribes the requirements for the following:
 - (a) Shipping papers;
 - (b) Package marking; and
 - (c) Labeling and transport vehicle placarding applicable to the shipment and transportation of those hazardous materials;
- (5) 49 C.F.R. Part 173. Part 173 sets forth the general requirements which shippers are required to meet for shipments and packaging;
- (6) 49 C.F.R. Part 175. Part 175 includes requirements in addition to those contained in Parts 171, 172, and 173 which are applicable to aircraft operators transporting hazardous materials aboard, attached to or suspended from civil aircraft;
- (7) 49 C.F.R. Part 177,. Part 177 includes requirements in addition to those contained in Parts 171, 172, and 173 which are applicable to private contract or common motor carriers transporting hazardous materials on public highways;
- (8) 49 C.F.R. Part 178. Part 178 prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials; and
- (9) 49 C.F.R. Part 180. Part 180 prescribes requirements pertaining to the maintenance, reconditioning, repair, inspection and any other function having an effect on the continuing qualification and use of a packaging used to transport hazardous materials. (7 Ky.R. 521; Am. 643; eff. 2-4-81; 11 Ky.R. 1659; eff. 6-4-85; 14 Ky.R. 1097; 1576; eff. 3-10-88; 15 Ky.R. 538; eff. 10-4-88; 2118; 2402, eff. 5-2-89; 16 Ky.R. 651; 1206; eff. 1-12-90; 17 Ky.R. 105; eff. 9-4-90; 3505; eff. 8-2-91; 19 Ky.R. 1413; 1747; eff. 1-21-93; 20 Ky.R. 1680; 2329; eff. 2-10-94; 21 Ky.R. 1191; 1498; eff. 12-6-94; 22 Ky.R. 981; 1307; eff. 1-8-96; 23 Ky.R. 1010; 1591; eff. 10-1-96; 23 Ky.R. 3917; eff. 7-1-97; 24 Ky.R. 1384; 1699; eff. 2-19-98; 25 Ky.R. 2194; eff. 5-4-99; 29 Ky.R. 181; 709; eff. 9-16-02; 31 Ky.R. 1019; eff. 1-21-05; 34 Ky.R. 235; eff. 11-2-2007).